

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
PLAINTIFF,	:	CASE NO. 1:02-cv-367
	:	(consolidated with 1:02-cv-359,
V.	:	1:02-cv-388, 1:02-cv-431, and
	:	1:02-cv-474)
REAL PROPERTY KNOWN AND	:	
NUMBERED AS 2467 LEGENDS WAY,	:	
CRESTVIEW HILLS, KENTON	:	
COUNTY, KENTUCKY , WITH ALL	:	SENIOR JUDGE SPIEGEL
APPURTENANCES, IMPROVEMENTS,	:	
AND ATTACHMENTS THEREON, et al.,	:	
DEFENDANTS.	:	

MOTION FOR DECREE OF FORFEITURE

The United States, by and through the undersigned United States Attorney for the Southern District of Ohio, moves this Court for a Decree of Forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), against the following defendants, hereinafter (“the subject property”):

1. \$29,026.18 as cash in lieu of real property known as 11100 Harbour Yacht Court. 42-C., Ft. Meyers Florida (“cash in lieu”).
2. Contents of Account no.XXX171 in the name of JAMS Properties, LLC at Peoples Bank of Northern Kentucky in the amount of \$12,496.66. (“JAMS account”).

The record in this case and the following Memorandum support this motion.

Memorandum

1. This is a civil action in rem brought to enforce 18 U.S.C. § 981(a)(1)(C), which provides for the forfeiture to the United States of:

Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of section 215, 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 656, 657, 842, 844, 1005, 1006, 1007, 1014, 1028, 1029, 1030, 1032, or 1344 of this title or any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

2. On May 21, 2002, the United States filed a Complaint for Forfeiture in Rem in 1:02-cv-359 against real property known and numbered as 11100 Harbour Yacht Court 42-C, Fort Meyers, Florida (1:02-cv-367, Doc. 142)(Doc. 1). The United States has substituted \$29,026.18 from the sale of said real property as cash in lieu for the real property defendant.

3. On June 28, 2002, the United States filed a Complaint for Forfeiture in Rem in 1:02-cv-474 against the JAMS account (Doc. 1).

4. On June 13, 2002, the Court consolidated 1:02-cv-367 (lead case) with 1:02-cv-359 and 1:02-cv-388 (1:02-cv-359, Doc. 13; 1:02-cv-367, Doc. 7; 1:02-cv-388, Doc. 26). The Court later added C-1-02-474 as a related case.

5. The Court recognized its jurisdiction over the subject property by issuing a Writ of Entry (1:02-cv-359, Doc. 9) and by issuing a Warrant of Arrest in Rem (1:02-cv-474, Doc. 3).

6. The United States gave statutorily and constitutionally sufficient notice of its intent to forfeit the real property known as 11100 Harbour Yacht Court. 42-C., Ft. Meyers Florida, which has been substituted for the cash in lieu, in 1:02-cv-359 by certified mail notice (Docs. 18-21, 28, 29, 35, 39).

7. The United States gave statutorily and constitutionally sufficient notice of its intent to forfeit the JAMS account in 1:02-cv-474 by certified mail notice (Doc. 10).

8. John O. Finnan and Susan Finnan and Marc C. Menne and Alice Menne filed claims to the subject property (1:02-cv-367, Docs. 36 and 70, 1:02-cv-474, Doc. 11), and entered into a Consent Judgment of Forfeiture (1:02-cv-367, Doc. 152) with regard to the subject property.

9. John O. Finnan and Susan Finnan and Marc C. Menne and Alice Menne agreed, individually and on behalf of JAMS Properties, LLC, that all of their right, title, and interest in

the cash in lieu would be forfeited to the United States and that they shall have no further interest in the cash in lieu pursuant to the Consent Judgment of Forfeiture (1:02-cv-367, Doc. 152).

10. John O. Finnan and Susan Finnan and Marc C. Menne and Alice Menne agreed, individually and on behalf of JAMS Properties, LLC, that all of their right, title, and interest in the JAMS account would be forfeited to the United States, and they shall have no further interest in the JAMS account pursuant to the Consent Judgment of Forfeiture (1:02-cv-367, Doc. 152).

11. The United States published notice of this civil forfeiture action in the Cincinnati Court Index Press, a newspaper of general circulation in the Southern District of Ohio, on May 20, May 27, and June 3, 2005 (Doc. 167).

12. No other person has filed a claim to the subject property or an answer to the United States' Complaint for Forfeiture in Rem, and the time to do so has expired.

Therefore, the United States requests that this Court enter a Decree of Forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C) confirming in the United States all right, title, and interest in the subject property and ordering the United States Marshals Service to dispose of the subject property in accordance with the law.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Decree was filed with the Court's CM/ECF System August 23, 2006, which provides electronic notice to all parties except the following who are served by regular U.S. mail:

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